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Resolution adopted by the Human Rights Council on 28 September 2018

39/16. Human rights situation in Yemen

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

Recognizing the primary responsibility of States to promote and protect human rights,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015, 33/16 of 29 September 2016 and 36/31 of 29 September 2017,

Recalling also Security Council resolution 2216 (2015) of 14 April 2015,

Welcoming the commitment of Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the implementation of the recommendations made in the outcome document of the National Dialogue Conference and to complete the drafting of a new constitution,

Welcoming also the positive engagement of the Government of Yemen in the peace talks and its handling of the proposals made by the Special Envoy of the Secretary-General for Yemen, Martin Griffiths, and encouraging it to continue its efforts to achieve peace and stability in Yemen,

Reiterating its strong support for the ongoing efforts of the Secretary-General and his Special Envoy to achieve the urgent resumption of peace negotiations, and recalling the need for all parties to the conflict to react in a flexible and constructive manner and without preconditions to these efforts and to fully and immediately implement all provisions of relevant Security Council resolutions,

Taking note of the statement made by the President of the Security Council on 15 March 2018 on Yemen,[1]

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

Recognizing that the promotion, protection and fulfilment of human rights are key factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for the country,

Acknowledging that international human rights law and international humanitarian law are complementary and mutually reinforcing, and reaffirming that all efforts should be made to ensure the cessation of all violations and abuses of and the full respect for international human rights law and international humanitarian law in armed conflicts,

Aware of reports by the Office for the Coordination of Humanitarian Affairs that the existing humanitarian emergency affects the enjoyment of social and economic rights, and calling upon the parties to the conflict to ensure that humanitarian aid is facilitated and not hindered,

Concerned by the allegations of violations of international humanitarian law and of violations and abuses of human rights law in Yemen, including those involving grave violations against children, attacks on humanitarian workers, civilians and civilian infrastructure, including medical facilities and missions and their personnel, as well as schools, the prevention of access for humanitarian aid, the use of import and other restrictions as a military tactic, the severe restrictions on freedom of religion or belief, including for minorities, such as members of the Baha'i faith, and the harassment of and attacks against journalists and human rights defenders, including women human rights defenders,

Underlining the important role played by free media and non-governmental human rights organizations in contributing to an objective appraisal of the human rights situation in Yemen,

Recalling the call of the Government of Yemen for an investigation into all cases of violations and abuses of human rights, and the relevant calls made by the United Nations High Commissioner for Human Rights, while noting in this regard the release of the fourth and fifth reports by the National Commission of Inquiry in January and August 2018,

Noting the extensive work carried out by the National Commission of Inquiry and the significant challenges that it continues to face in carrying out independent comprehensive investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law in Yemen, and encouraging the Yemeni public prosecution office and judiciary to complete judicial proceedings, to achieve justice and hold those responsible for abuses and violations accountable as soon as possible,

Noting also the work carried out by the Joint Incidents Assessment Team,

Taking note of the report of the High Commissioner containing the findings of the Group of Eminent International and Regional Experts and a summary of the technical assistance provided by the Office of the High Commissioner to the National Commission of Inquiry,[2]

1. *Condemns* the ongoing violations and abuses of human rights and violations of international humanitarian law in Yemen, including those involving the widespread recruitment and use of children by parties to the armed conflict, arbitrary arrests and detention, denial of humanitarian access and attacks on civilians and civilian objects, including medical facilities and missions and their personnel, as well as schools, and emphasizes the importance of accountability;

[1] S/PRST/2018/5.
[2] A/HRC/39/43.

2. *Calls upon* all parties to the armed conflict to respect their obligations and commitments under applicable international human rights law and international humanitarian law, and in particular with regard to attacks against civilians and civilian objects, and to ensure humanitarian access to the affected population nationwide, including by lifting obstacles to the importation of humanitarian goods, reducing bureaucratic delays, resuming salary payments for civil servants and ensuring the full cooperation of the Central Bank of Yemen;

3. *Calls upon* all parties in Yemen to engage in the political process in an inclusive, peaceful and democratic way, ensuring the equal and meaningful participation and full involvement of women in the peace process;

4. *Demands* that all parties to the armed conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to cooperate with the United Nations for their reintegration into their communities, taking into consideration the relevant recommendations made by the Secretary-General in his report on children and armed conflict;[3]

5. *Calls upon* all parties in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to reach a comprehensive agreement to end the conflict;

6. *Emphasizes* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

7. *Calls upon* all parties to immediately release all Baha'i detained in Yemen due to their religious belief, to cease the issuance of arrest warrants against them and to cease the harassment to which they are subjected;

8. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, and expresses its appreciation to donor States and organizations working on improving that situation, and for their pledges to provide financial support for the Yemen humanitarian response plan for 2018;

9. *Invites* all bodies of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights, and Member States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

10. *Acknowledges* the difficulty of the circumstances under which the National Commission of Inquiry operates, and that the continuation of the armed conflict and the continued violations and abuses of international human rights law and violations of international humanitarian law necessitate the continuation of the Commission's mandate, and the intensification of its work according to presidential decree No. 50 of 23 August 2017, and urges that its tasks be completed professionally, impartially and comprehensively;

11. *Urges* all parties to the armed conflict to take all the measures necessary to ensure effective, impartial and independent investigations into all alleged violations and

[3] A/72/361-S/2017/821.

abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards, with a view to ending impunity;

12. *Decides* to extend the mandate of the Group of Eminent International and Regional Experts for a further period of one year, renewable as authorized by the Human Rights Council;

13. *Requests* the Group of Eminent International and Regional Experts to submit a comprehensive written report to the High Commissioner for presentation to the Human Rights Council at its forty-second session, to be followed by an interactive dialogue;

14. *Encourages* all parties to the armed conflict in Yemen to extend full and transparent access and cooperation to the Group of Eminent International and Regional Experts;

15. *Requests* the Secretary-General and the High Commissioner to continue to provide the full administrative, technical and logistical support necessary to enable the Group of Eminent International and Regional Experts to carry out its mandate;

16. *Requests* the High Commissioner also to continue to provide substantive capacity-building, technical assistance and advice and legal support to enable the National Commission of Inquiry to complete its investigatory work, including to ensure that the National Commission investigates allegations of violations and abuses committed by all parties in Yemen and in line with international standards, and to submit its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. (50) of 23 August 2017, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission and the Office of the High Commissioner;

17. *Also requests* the High Commissioner to present to the Human Rights Council, at its fortieth session, an oral update on the situation of human rights in Yemen and the development and implementation of the present resolution, and to present to the Council at its forty-second session a written report on the situation of human rights, including violations and abuses committed since September 2014, as well as on the implementation of technical assistance as stipulated in the present resolution.

41st meeting
28 September 2018

[Adopted by a recorded vote of 21 to 8, with 18 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Ecuador, Germany, Hungary, Iceland, Mexico, Panama, Peru, Qatar, Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Egypt, Pakistan, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Angola, Democratic Republic of the Congo, Ethiopia, Georgia, Iraq, Japan, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Philippines, Rwanda, Senegal, South Africa, Togo, Tunisia]